



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████
Docket No. 8374-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 13 May 2026. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request to remove your 6105 counseling entry dated 31 January 2023 because you contend it was uploaded to your official military personnel file as “an administrative oversight regarding derogatory information.” Although you listed “court judgment” as attached evidence, your submission only contained the DD Form 149.

The Board, however, determined the counseling entry of 31 January 2023, which counsels you for driving while impaired, is an administrative remarks entry that creates a permanent record of matters your commanding officer (CO) deemed significant enough to document. Further, the Board determined the CO has wide discretion regarding the subject matter of a 6105 counseling entry, and it is within his discretionary authority to determine if/when a 6105 counseling entry is warranted. The Board found insufficient evidence of an error or injustice in the CO’s decision to document the results of your breathalyzer test when you were pulled over by a ██████████ State Trooper. The CO exercised his discretion when he counseled you for driving while impaired based on your .09 blood alcohol content. Additionally, the Board noted the CO did not link the counseling entry to a civilian court action so the decision to counsel you was independent of civilian court. The Board, noting you did not submit any supporting documentation, determined there is insufficient evidence to overcome the presumption of regularity that your CO properly and lawfully determined a counseling entry was warranted.

Lastly, the Board noted you were provided an opportunity to submit a statement, but chose not to provide a written rebuttal. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the 6105 counseling entry.

Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

6/3/2026

